

1 **THE WITNESS: I'm sorry. I'm going to**
2 **need you to rephrase.**

3 Q (Mr. Perry) Well, so I had asked, "Did you
4 advise," and you said, "I don't think I was ever
5 asked." So if you weren't asked, would you agree you
6 didn't advise, or would you say maybe you did and don't
7 remember?

8 A **If I -- I'm sorry. It's kind of a compound**
9 **question.**

10 Q It is a bit of a compound question. So we can
11 back up. Let's start from square one again.

12 A **Yes, if you wouldn't mind.**

13 Q All right. Did you advise Presque that the
14 debt was valid and could be collected? And when I say
15 "debt," obviously I mean the debt that's relevant to
16 the claims that we're making. As attorneys, I'm kind
17 of skipping some basic facts, and maybe I shouldn't.

18 So the debt we're talking about is the debt
19 -- the assessment for the deck repairs and the
20 associated collection fees and attorney's fees and all
21 the fees that went -- developed from the deck repairs.
22 When I say "debt," that's what I'm talking about today.
23 So with that understanding, did you advise Presque that
24 the debt was valid and could be collected?

25 A **I do not believe I received the question from**

1 Presque in that exact manner, whether it was valid and
2 could be collected. My standard response, when I was
3 asked whether the amounts could be added to the ledger,
4 is that there's ambiguities both ways. That it could
5 be collected -- a judge could find it collectible. A
6 judge could also find it not collectible. But there is
7 a colorable argument that, yes, number one, it is a
8 valid debt. And there is a colorable argument that,
9 yes, it can be collected in a like manner as an
10 assessment.

11 Q Thank you. What steps did you take to collect
12 the debt?

13 A We ---

14 MR. RACINE: Objection.

15 MR. PERRY: Go ahead.

16 THE WITNESS: Should I go ahead and
17 proceed?

18 MR. RACINE: Yeah, I'm sorry.

19 THE WITNESS: Sure. We originally
20 received the account emailed to us by Community
21 Association Management. We received a directive from
22 Community Association Management to file a lien for the
23 balance that was stated in the ledger. We had filed a
24 lien in the matter, and there was correspondence with
25 Mr. Rose. We were later directed by the Association --